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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,497	07/12/2004	Chen Qi	D23-7022	8279
26294	7590	06/13/2006	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			HEALY, BRIAN	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant(s) No.	Applicant(s)	
	10/501,497	QI ET AL.	
	Examiner	Art Unit	
	Brian M. Healy	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 5/10/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 23-46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**BRIAN HEALY**  
**PRIMARY EXAMINER**  
**ART UNIT 2883**

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 23-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record teaches or suggests the optical decoration device wherein one or more LED's (including the limitations of claim 22) are moved up and down left and right, slant with proper angles, back and forth motion or regular and irregular rotation relative to the end of the optical fiber or LED's with different illumination angle are used, which includes LED's of differing diameter. The remaining dependent claims 24-46 are dependent upon claim 23 and also include other additional limitations (See dependent claims for the specifics of these limitations).

Applicant has canceled claims 1-20.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed, U.S.P. No. 6,361,198 in view of Marshall et. al., U.S.P. No.6,200,002.

Reed 198' teaches (Figs.1-22) an optical fiber (Christmas Tree)(Note: it is standard practice for conventional artificial Christmas trees to be both waterproof and fireproof) decoration device comprising: a plurality of optical fibers 24,26,28 which can be illuminated by plural LED's 40 which can emit monochromatic or polychromatic (multi-colored) light of varying degrees of luminosity and can provide multi-colored displays wherein the LED colors, LED timing and LED luminosity are controlled by by a manual switch or sensor (Note: it has long been known in artificial Christmas displays to synchronize music with light luminosity via sound sensors)/ microcomputer/IC means/ 52, 14 with associated controller means (located inside the base of the trees). Reed 198' does not specifically teach that overlapping light beams from the LED's are mixed inside of a waveguide structure.

Marshall et. al., U.S.P. No. 6,200,002 teaches (figs.1-12B) an optical decorative device that includes plural LED's RGB which sends and mixes different overlapping light beams in a light waveguide structure 10 for a pleasing display.

Since Reed 198' and Marshall et. al. 002' are from the same field of endeavor, i.e. optical fiber decorative devices, the purpose of using plural LED's for light mixing in an optical waveguide structure, as is taught by Marshall et. al. 002', would have been recognized in the pertinent art of Reed 198'.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the optical fiber decorative device of Reed 198' by color mixing a plurality of overlapping light beams from plural LED's in an optical

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waveguide structure, as is taught Marshall et. al. 002', for the purpose of making a color mixing display.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-46 have been considered but are moot in view of the new ground(s) of rejection. **This office action has not yet been made final.**

The following references are also cited by the Examiner as being pertinent prior art: Osawa, U.S.P. No. 5,890,790 (Figs.1-12), Pashley et. al., U.S.P. No. 6,264,346 (Figs.1-6C) and Marshall et. al., U.S.P. No. 6,139,166 (Figs.1-4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed schedule Mon.-Fri. 6AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Brian M. Healy**  
**Primary Examiner**  
**Art Unit 2883**

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**BRIAN HEALY**  
**PRIMARY EXAMINER**  
**ART UNIT ~~28~~ 2883**